

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND LARRY EDWARD
KENNEDY,

Defendant.

CR 18–36–M–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on March 14, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Raymond Larry Edward Kennedy’s guilty plea after Kennedy appeared before him pursuant to Federal

Rule of Criminal Procedure 11, and entered a plea of guilty to one count of sexual exploitation of a child in violation of 18 U.S.C. § 2251(a) (Count V), and one count of receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2) (Count VII) as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I, II, III, IV, and VI of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 30), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Raymond Larry Edward Kennedy's motion to change plea (Doc. 22) is GRANTED and Raymond Larry Edward Kennedy is adjudged guilty as charged in Counts V and VII of the Indictment.

DATED this 10th day of April, 2019.



Dana L. Christensen, Chief District Judge
United States District Court